

Appln No. 09/944,905
Amdt date October 27, 2005
Reply to Office action of July 27, 2005

REMARKS/ARGUMENTS

Claims 1-38 are currently pending in this application. Claims 1, 15, and 32 have been amended. The amendments do not introduce any new matter or new issues that would require further consideration and/or search on the Examiner's part. Accordingly, entry of the amendments and reconsideration, and an early indication of allowance of claims 1-38 are respectfully requested.

Claims 1, 5-8, 10, 15, 17-21, 26, 29, 32, 34, 35, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doucer et al. (U.S. Patent No. 6,401,126) in view of Goldszmidt et al. (U.S. Patent No. 6,195,680). Applicant respectfully traverses this rejection.

Independent claim 1, as amended, recites "a first computer program segment resident at each of the plurality of servers wherein said program . . . broadcasts data regarding the processed request to the other servers." (Emphasis added). Independent claims 15 and 32, as amended, recite "transmitting first data relating to the first request to at least the second server and second data relating to the second request to at least the first server." (Emphasis added). These amendments do not raise any new issues because they are similar to the limitations of claim 26, which has not been amended in this response.

Neither Doucer nor Goldszmidt teach or suggest the limitations of claims 1, 15, 26, and 32. In the centralized file server embodiment of Doucer, there is only one server, that is, the central controller, that sends messages to the various servers, telling them what operations to perform. (Col. 4, lines 29-34). None of the other servers transmit data relating to the request processed at that server to the other servers. Similarly in the distributed embodiment of Doucer, each server only transmits information to a single server that is next in the sequence. (Col. 8, lines 19-21). There is no teaching or suggestion that any of these servers transmit data relating to the request processed at that server to more than one server.

In Goldszmidt, a client detects or receives information on load imbalances and/or failures and dynamically switches to a secondary server to continue receiving real-time multimedia stream with minimal disruption. Nothing in Goldszmidt teaches or suggests, however, that "each

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of the plurality of servers . . . broadcasts data regarding the processed request to the other servers." Accordingly, claims 1, 15, 26, and 32 are now in condition for allowance.

Claims 5-8, 10, 17-21, 29, 34, 35, 37, and 38 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

Claims 2, 3, 16, 27, 28, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douceur and Goldszmidt in view of Hugenberg et al. (U.S. Patent No. 6,714,545). Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Douceur, Goldszmidt and Hugenberg in view of Hoguta et al. (U.S. Patent No. 6,725,303). Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Douceur and Goldszmidt in view of Koperda et al. (U.S. Patent No. 5,790,806). Claims 11, 12, 14, 22-25, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douceur, Goldszmidt and Hugenberg in view of Hoarty (U.S. Patent No. 5,883,661). Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Douceur, Goldszmidt, Hugenberg, and Hoarty in view of Plaza Fernandez et al. (U.S. Patent No. 6,377,992). Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Douceur and Goldszmidt in view of Yu (U.S. Patent No. 6,351,775).

Claims 2-4, 9, 11-14, 16, 22-25, 27, 28, 30, 31, and 33 are in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

In view of the above amendments and remarks, reconsideration and an early indication of allowance of claims 1-38 are respectfully requested.

Respectfully submitted,

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